



**Meeting Minutes**  
**BARRINGTON PLANNING BOARD MEETING**  
**Early Childhood Learning Center**  
**77 Ramsdell Lane, Barrington, NH**  
**Tuesday May 7, 2013**  
**6:30 p.m.**

**ROLL CALL**

**Members Present**

John Huckins, Chair  
Alan Kelley, Vice-Chair  
Mike Clark, Ex-officio  
Anthony Gaudiello  
George Calef  
Jackie Kessler arrived at 6:44pm

**Members Absent**

Steven Oles  
Dawn Hatch, Ex-officio

**Alternate Members Present:**

Stephen Jeffery

**Town Planner:**

Marcia Gasses

J. Huckins called the meeting to order at 6:32pm

**MINUTES REVIEW AND APPROVAL**

1. Approval of April 16, 2013 Meeting Minutes.

G. Calef stated that there was a misspelling on lines 101 and 104, cooperative was misspelled. In addition, on line 96 there was a language error.

*A motion was made by A. Kelley and seconded by G. Calef to approve the minutes with changes. Mike Clark abstained, the motion carried unanimously with the rest of board members.*

## ACTION ITEMS

2. **SR12/410 (Gas Station and Convenience Store)** Request by applicant to construct a 5,000 convenience store and gas station on a 1.84 acre site located at 491 Calef Highway (Map 238, Lot 4) in the Town Center (TC) and Stratified Drift Overlay (SDA) Zoning Districts.  
Applicant: The Three Socios, LLC; 321 D Lafayette Road, Hampton, NH 03842

G. Calef recused himself from this application.

M. Gasses gave an update for this application. She stated that they were still working to find a location for a well. This was the reason for the continuance and because of the duration of the application the applicant stated that when they do come back they would renotify the abutters.

*A motion was made by A. Kelley and seconded T. Gaudiello to require the applicant renotify the abutters when they come back before the board.*

*A motion was made by T. Gaudiello and seconded by A. Kelley to continue this application to June 4<sup>th</sup>. The motion carried unanimously.*

3. **210-57-GR-12-SR Daniel Hussey (Trinity Conservation)-Gravel Excavation Operation**  
Request by applicant to propose a Gravel Excavation Operation with access through Map 210, Lot 44 on a 100 acre site located on Green Hill Road (Map 210, Lot 57) in the General Residential (GR) Zoning District. By: Jeff Kevan; TF Moran, Inc.

G. Calef had returned to the table.

*A motion was made by A. Kelley and seconded by T. Gaudiello to continue to June, 2013. The motion carried unanimously.*

J. Kessler arrived at 6:44pm

4. **250-79-RC-12-SR Associated Buyers (Steppingstone Farm Partnership)** Request by applicant for a minor site review to add one 7250 s.f. freezer on a 4.35 acre site located at 54 Commerce Way (Map 250, Lot 79) in the Regional Commercial (RC) Zoning District. By: Chris Berry; Berry Surveying & Engineering.

Chris Berry stated that he was representing Stepping Stone Farm Partnership and introduced the application. They had submitted the original proposal to Dubois and King and it was approved with some minor changes. Due to building codes and structural changes, because it was a freezer they were required to make changes. They changed the building plan to become a freestanding building located toward the rear of the property. The drainage design had been modified slightly and some impervious surfaces had been added. The added parking was to the front of the building. Originally, roof water that came off the roof was considered clean and it went through a bioremediation process before being discharged back into the wetlands. The changes required collecting the dirty water and cleaning it before it was discharged into the wetlands. When the application was originally approved, those changes were not required but the proposed changes require the additional drainage improvements. They are proposing an additional lighting plan for the new building. They hand delivered the new changes in design to Dubois and King and have paid them last week and they were waiting for their review. Currently the building is proposed

to be used half as dry storage half as a freezer space but over time the entire building will become freezer space.

T. Gaudiello asked if either the building or the drainage would present any type of problem being so close to the wetlands.

Chris Berry said that it would not and because they were so close to the wetlands they are using this type of device. The building itself is also built up 3 feet so they would not have ground water problems. They also had a discharge detention system which is above the groundwater table. They would not be digging from the wetlands at all. They also explained that a nice thing about this project is that currently there is a truck with a freezer using a loud compressor and this new building will stop that noise.

S. Jeffery asked why they were exempt from the wetland buffers.

J. Huckins stated that the lot was created prior to the buffers being established.

M. Gasses stated that the issue had come up many times, they have had multiple conversations with the zoning administrator and legal counsel. Buffers do not apply in the town of Barrington in any lot that was created or existed prior to March 13<sup>th</sup> 2001. This is stated in 9.5.15. In addition the planning office has research all the way back to the posting of the zoning ordinance which specifically states that the purpose was not to apply buffers to those lots created prior to the date.

A. Kelley stated the language of the statement with the “or” does not make sense.

M. Gasses agreed that she thought the language was not the best but what the interpretation of it going forward can be changed at the next town meeting.

T. Gaudiello stated that when he first reviewed it the statement only made sense with the word on. He went on to explain why it made sense because of the way the sentence could be parsed into three statements.

J. Huckins said that it would be irrational to say if you have the building you can't go in the buffer but if you don't have the building you can.

J. Huckins said that as a board we should move forward by voting to address it as the application does not apply or does apply.

Chris Berry asked if they already had an administrative decision on this.

M. Gasses stated that Tom Abbot and the Attorney have looked at this and administratively this decision has been made.

A. Kelley stated that we have a paragraph in our ordinance that does not make sense. This is something that should be corrected.

J. Huckins opened up for public and closed for public comments.

J. Huckins asked if they had already had this application accepted.

Chris Berry stated that it was accepted.

T. Gaudiello thought that these new changes are different so they needed to revote to accept the revised application.

A. Kelley asked if we needed to back out of the original plans and revote.

*A motioned was made by T. Gaudiello and seconded by J. Kessler to accept this new material as a significant amendment to the original plan. The motion carried unanimously.*

*A motion was made by T. Gaudiello and seconded by A. Kelley to continue to June 4, 2013. The motion carried unanimously.*

5. [223-6-RC-13-SIGN \(The Storage Spot\)](#) Request by applicant for a sign permit to replace signage located on a 4.01 acre site located at 248 Calef Highway (Map 223, Lot 6) in the Residential Commercial Zoning District. By: Sundance Sign Company; 39 Oak Street; Dover, NH 03820

Michael Leary introduced himself and the project as a request to propose an internally lit sign for Greenhill Storage.

M. Gasses stated that he also requested a waiver for an internally lit sign.

J. Huckins asked about the size of the sign.

Michael Leary stated that the size of the sign was 62" X 74".

J. Huckins stated that this met the standards that were set.

T. Gaudiello stated that among the revisions of the proposed site review are to allow internally lit signs.

*A motion was made by T. Gaudiello and seconded by J. Kessler to accept the waiver for an internally lit sign. The motion carried unanimously.*

G. Calef asked about the distance of the sign from the right of way.

Michael Leary stated that it was about 10 feet.

J. Huckins opened and closed public comment.

J. Huckins said that the size and location fits and we have granted the waiver.

T. Gaudiello stated that the amount of glare could be a problem and to be cautious about this.

Michael Leary explained the glare of each sign would be different based on the environment that it was in.

*A motion was made by J. Kessler and seconded by T. Gaudiello to approve the application. The motion carried unanimously.*

6. **263-6-RC-13-SIGN (Generator Connection, Wayne Noyes)** Request by applicant for a sign permit to add additional signage located on a 10.64 acre site located at 1057 Calef Highway (Map 263, Lot 6) in the Residential Commercial Zoning District.

M. Gasses explained that the board should discuss adding the exact same sign with a different face for the new business that has moved into his property. The board should work to interpret the amount of signs he would be allowed.

Wayne Noyes introduced himself and the application. Said he would like to propose a new sign at the other end of the road. He originally proposed to put the sign up 6-7 years ago and signage has changed since then. He stated that in his opinion each establishment is allowed 1 sign each. He stated that his view is different from the boards in the interpretation of what an establishment is. He stated that they are not trying to fill the front yard up with signs. They are just trying to add 1 more sign to the front yard and trying to make the building and the lot look clean. He has notified his abutters so they are aware of this. He wants to keep a good clean environment around the lot and the surrounding area for the benefit of the pet connection.

T. Gaudiello explained that the task before the board was to take apart the standard that says only one free standing sign is permitted for each separate street frontage devoted to an establishment. He stated that the applicant is interpreting this as an establishment represents the business and its employees and not the building. The question becomes do you have the frontage for this and how the frontage is devoted. He stated that he was assuming that you are devoting 200 feet of frontage to your building leaving about 100 feet for theirs.

Wayne Noyes said it was about the opposite which was 100 feet for his and 200 feet for the other.

T. Gaudiello asked about the distance between the two signs.

Wayne Noyes said that it was about 200 feet.

T. Gaudiello said that a rationale might be it is not a sign per building it is a sign per establishment. The second premise would be that he has sufficient frontage for the 200 feet that is required in regional commercial. The other questions would be how much is he devoting to each establishment, apparently he is devoting 100 feet for his sign and 200 feet for his renter. He then asked if we were to argue that you are allowed a sign for every 200 foot frontage and an additional sign for every 75 feet was this a possibility.

J. Huckins said he wanted to look at the distances for frontage.

T. Gaudiello stated that he thought Town Center was 45', Village District is 75' and Regional Commercial is 200'.

J. Huckins said that was correct.

T. Gaudiello thought that there should be another number if his assumption of establishment is true by making it 75 feet.

J. Kessler stated that she was under the understanding that there was going to be one sign with the two businesses.

J. Huckins said that there is one different sign for each road frontage

G. Calef stated that this decision is based on the definition of establishment.

T. Gaudiello stated that the definition of establishment was the business and its employees from the black's law dictionary, which was a business and its employees.

G. Calef said that if this board accepts the definition of establishment then he would not be allowed two signs.

T. Gaudiello said that if he met the other requirement of frontage then he would be.

J. Huckins explained that he would not totally agree with this. If you looked at this as being allowed one sign for each establishment, the lot itself has to have a minimum of 200 feet but you can have more than one establishment on a lot. If you break it down that way there is no standard for the 200 feet.

T. Gaudiello explained that it does and we need to have stated to the board how much frontage they are devoting to each establishment which would let us know how much frontage for each sign.

A. Kelley said that the only reasonable thing to do is to waiver standard number 1 because he has extra frontage.

Wayne Noyes asked if they were asking about frontage of the building or the lot

The board informed him that it was the lot

Wayne Noyes stated that he has at least 400 feet frontage on the lot.

M. Gasses said that if the board was to change the interpretation of what establishment was, at this point the board is better off interpreting it the same way and grant a waiver for how he is deviating from what was traditionally accepted.

J. Huckins said the rationality behind this was so that any decision we made in the past would not come back to haunt us.

Wayne Noyes stated that it is important for the pet connection to have a separate sign.

T. Gaudiello doesn't know if we had ever established a definition of establishment. He then advised Wayne Noyes to request a waiver for this.

Wayne Noyes requested a waiver for a second freestanding sign and filled a waiver request form out.

M. Gasses read the waiver request, to add a second sign to benefit the new business next to his business.

T. Gaudiello interpreted the waiver to be a request to waive the additional standard number 1 on our table 8.

*A motion was made by T. Gaudiello and seconded by G. Calef seconded to accept the waiver. The motion carried unanimously.*

*A motion was made by G. Calef and seconded by T. Gaudiello to accept the application as complete. The motion carried unanimously.*

J. Huckins opened and closed public comment.

*A motion was made by J. Kessler and seconded by T. Gaudiello to approve the request for the sign. The motion carried unanimously.*

#### **REPORT FROM THE PLANNING DEPARTMENT**

7. Discussion of a memo from Road Agent, Peter Cook looking for comments and recommendation from the board for a building permit for Maxham/Sabin on Flower Drive, a Class VI road.

J. Huckins said that basically Peter is making the statement that it meets our standards for the geometric design for low volume roads and to request the applicant to join the association and that the road should be graded after construction is done. What the board was doing is making a recommendation to the selectman.

G. Calef asked for the width of the right of way.

Peter Cook said that he had not measured but he thought 16-18 feet.

J. Kessler asked if there was a deed somewhere to a right of way.

T. Gaudiello asked that if you are using someone's property then there must something that has to do with easements.

J. Huckins said he assumed so and thought that the recommendation should be to the selectman that they see no problem as long as the right of way is wide enough to support the road.

G. Calef said that the other issue is that they have been using 17-18 feet then they have established a new easement.

J. Kessler said that there is no number listed for the house.

M. Gasses said that as a planning board, they should only be concerned with the map and lot numbers and this does not reflect the power of the planning board.

S. Jeffery asked about the distance of this road

J. Kessler said that it is about a mile.

J. Huckins said that usually they get a tax map or something of that sort.

G. Calef said that there is a lot of confusion if there are two numbers for the same lot.

J. Huckins said that all they have to do is make a recommendation to the selectman; they could lay out this issue of the address number and the right of way width.

G. Calef said that the lot numbers should be the street numbers for the purpose of the post office and first responders.

M. Gasses said that it is not the job of the planning board to assign street numbers. She said she can look into the process of this.

T. Gaudiello said that they should at least inquire about the easements or prescriptive rights for this.

J. Huckins said that all we can do is make a recommendation of issues we know of based on our duties. We need to pass this knowledge onto the selectman.

*A motion was made by T. Gaudiello and seconded by J. Kessler to concur with Peter along with the issues of lot numbering, easements and prescriptive right of use with the right of ways. The motion carried unanimously.*

#### **COMMUNICATIONS RECEIVED**

M. Gasses stated that there was a letter from the city of Rochester to the board so the board should read this letter as well as the draft of the developer's agreement that is in their packet.

J. Huckins said that there was an e-mail that came yesterday regarding this.

A. Kelley asked for clarification that this was the developers agreement. He then asked if there was any way of discussing this until next meeting .

M. Gasses said that board members could address any particular questions to her.



J. Huckins said that they cannot do any sort of activity that can be construed as an illegal meeting.

M. Gasses stated that the only other thing is that they have scheduled a meeting with Molly Donovan that was now rescheduled to next month.

M. Gasses said that the zoning ordinance is up on the website correctly in three spots and it is posted incorrectly in one other spot on the website. She would be working with Virtual Town Hall to correct this.

M. Gasses was asked to come up with a permit for the excavation and handed out a draft copy for the board members to look at. She would be working with Jae Whitelaw on revisions.

## **REPORTS FROM OTHER COMMITTEES**

### **UNFINISHED BUSINESS**

### **OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD**

### **SETTING OF DATE, TIME AND PLACE OF NEXT MEETING AND ADJOURNMENT**

J. Huckins said that we had on our schedule for next week to meet with cooperative extension. Because this was rescheduled was there any other reason to meet. If the sign information was ready next week then they could but it did not matter to him.

The next meeting was set for the 21<sup>st</sup> of May.

*A motion was made by J. Kessler and seconded by T. Gaudiello to adjourn. The motion carried unanimously.*

Other information. a) Files on the applications and items, above, including the full text of any proposed ordinances, regulations, or other initiatives are available for inspection in the Planning & Land Use Office, from 8:00 a.m. to 3:00 p.m., Monday through Thursday; b) If you are looking at this agenda on the Town's website, you can click on any underlined projects and other items to access additional information; c) This agenda, these applications, and other items are subject to errors, omissions, and change prior to final action; d) Some agendas are marked as "Preliminary Agenda". These are subject to change. The final agenda will be prepared on the Thursday evening prior to the meeting and will be posted on the Town's website; e) Contact the Planning & Land Use Department if you have questions or comments about these or any related matters or if you have a disability requiring special provision.

Persons with a disability may request a reasonable accommodation by contacting the Land Use Office at 603.664.5798. Requests should be made 5 days in advance.